HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 574 of 2005 (SS)

Mohammad Usman Arif ..... Petitioner

Versus

1. State of Uttaranchal
2. Director Basic Education Uttaranchal
3. Additional Director, State Education Research & Education Council, Narendranagar
4. Principal, District Education & Training Institute, Bhimtal, Nainital

..... Respondents

Mr. D.S. Patni, Advocate for the petitioner
Standing counsel, for the respondents

Dated: 17.5.2005

Hon'ble Mr. Justice Rajesh Tandon J.

Heard the learned counsel for the parties.

By the present writ petition the petitioner has prayed for the issue of a writ of certiorari quashing the impugned advertisement dated 27.4.2005 issued by the respondent no. 4 so far as it relates with filling the vacancies of other Backward Caste candidate through State Level counseling.

Briefly stated, the petitioner passed certificate of physical Education from Directorate of Sports and Youth services Institute, Amarawati which is registered under the Societies Registration Act, 1860. The petitioner is domicile of State of Uttaranchal. The petitioner possesses graduation degree from R.H. Government P.G. College, Kashipur. The petitioner has

earlier filed a writ petition bearing No. 1016/2004 (SS) inter alia praying for quashing the advertisement dated 25.8.2004 so far as it relate to exclude candidates having C.P.Ed certificate obtained from other than institution recognized by the state of U.P. and Uttaranchal from 1997 onwards. This Court vide order dated 13.9.2004 directed the respondents to consider the candidature of the petitioner for special B.T.C. Training. The Government of Uttaranchal vide order No. 155/XXIV (1)/2005 dated 19.3.2005 provided that if seat under the quota of S.C. S.T. and other Backward caste in any district is not filled due to non availability of the said reserve category candidate than those seat can be filled from the candidates of other district. The petitioner has submitted that by means of the impugned advertisement dated 27.4.2005 the vacancy of S.C. S.T. & other Backward caste has been sought to be filled through State Level Counselling which will deprive the candidates of regional level for being selected in Special B.T.C.

The petitioner has filed a representation to the respondents on 3.5.2005 ventilating his grievances but till then no action has been taken on his representation.

In view of the above, the respondents are directed to disposed of the representation dated 3.5.2005 preferred by the petitioner within three weeks after the receipt of the certified copy of this order by a reasoned order.

Accordingly the writ petition is disposed of. No order as to costs.

(Rajesh Tandon J.)

17.5.2005
*Dhyani